

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

**5:05-CR-446
(FJS)**

LEON MUSE and DARRELL HILLARD,

Defendants.

APPEARANCES

OF COUNSEL

**OFFICE OF THE UNITED
STATES ATTORNEY**

TERRENCE M. KELLY, AUSA

James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207-2924
Attorneys for the United States

OFFICE OF FRANK POLICELLI

FRANK POLICELLI, ESQ.

10 Steuben Park
Utica, New York 13501
Attorneys for Defendant Muse

SCULLIN, Senior Judge

ORDER

Currently before the Court is Defendant Muse's October 30, 2006 motion to join in Defendant Hillard's motion to suppress intercepted wire communications and the evidence derived therefrom on the same grounds as those that Defendant Hillard raised.

As the Government correctly notes, however, the Court denied Defendant Hillard's motion to suppress these items in its August 29, 2006 Memorandum-Decision and Order. Therefore, the Court denies Defendant Muse's motion as moot.

Accordingly, after carefully considering the parties' submissions in support of, and in

opposition to, this motion and the relevant law, the Court hereby

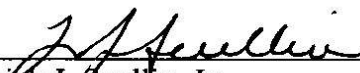
ORDERS that Defendant Muse's motion to suppress intercepted wire communications and the evidence derived therefrom is **DENIED AS MOOT**; and the Court further

ORDERS that counsel shall appear for the Final Pretrial Conference in this matter on **March 8, 2007, at 3:00 p.m., in Syracuse, New York**, and the Court further

ORDERS that the trial of this matter will commence on **March 19, 2007, at 9:30 a.m., in Syracuse, New York**.

IT IS SO ORDERED.

Dated: February 15, 2007
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge